



CCSBT-CC/2010/12

Compliance Risks and Consideration of a Draft Compliance Action Plan for 2021 to 2025

1. Introduction

The current three-year Compliance Action Plan (CAP) for 2018 to 2020¹ inclusive is part of the Compliance Plan and includes three components:

- A list of compliance risks,
- Table 1: Project action items, and
- Table 2: Annual ongoing maintenance action items.

In 2019, the Fourteenth Meeting of the Compliance Committee (CC14) recommended that the Compliance Action Plan (CAP) become a five-year plan from 2021 onwards, with the caveat that it is reviewed rigorously on an annual basis as part of a standing agenda item and is as such considered to be “a living document”.

This paper considers a proposed new five-year CAP for 2021 to 2025 including reporting back on the following items:

- The annual standing item agreed by the Twelfth meeting of the Compliance Committee (CC12) for the Secretariat to review the list of compliance risks and consider emerging risks², as well as to report on what has been done to mitigate or better quantify those risks, and
- Two CC14 recommendations endorsed by CCSBT 26:
 - *That the Secretariat will lead an intersessional email group that will work towards developing a draft Compliance Action Plan for consideration by CC 15. Nominations for participants will be sought from Members intersessionally³,*
 - *Establish and convene an intersessional correspondence group to develop the new CAP and work on suggested actions and timing, including consideration of progress with regard to mitigation and better quantification of current compliance risks (2020 Workplan item – Secretariat and Members)⁴.*

2. 2020 CAP Intersessional Correspondence Group

During 2020, the Secretariat’s Compliance Manager coordinated the work of the CAP intersessional correspondence group with its key goal being to develop a draft CAP for 2021 to 2025 inclusive.

¹ Refer to pages 9-18 of the CCSBT [Compliance Plan](#)

² Refer to paragraph 104 of [CC12’s report](#)

³ Paragraph 87 of the CC14 report

⁴ Paragraph 101 of the CC14 report

Intersessional Correspondence Group Process

The intersessional process involved the following steps:

- January/ February:
The Secretariat sought and received nominations for intersessional group members;
- March:
The Secretariat advised the group of confirmed nominations received;
- May:
The Secretariat initiated the consultation process by circulating background information as well as three proposed revised documents for group members to comment on by 26 June 2020:
 1. Proposed revised list of compliance risks;
 2. Proposed project action items for 2021 – 2025; and
 3. Proposed maintenance action items for 2021- 2025;
- June/ July:
Responses on documents 1 to 3 above were received from Australia, the EU, Japan, New Zealand and Taiwan.
Korea advised that, *“The proposed changes/additions seem reasonable and appropriate, and we don't have any specific comments at this stage”*; and
- August:
 - The Secretariat collated the responses received and contacted group members with relevant queries and clarifications where relevant. Members’ suggestions and proposed revisions were then incorporated into a further revision of each of the attachments 1 – 3 above, provided as **Attachments A, B and C** to this paper, and
 - The Secretariat circulated a draft table summarising what has been done to mitigate or better quantify the existing (2018-20) list of compliance risks to the intersessional group members and requested comments. One minor comment was received.

Note about Comments Received

Australia and Japan generally provided specific revised text with associated comments for each of the circulated documents, and Taiwan provided comments to recommend either re-wording, suspending, postponing or deleting specific action items. Therefore, these three Members’ proposed revisions and comments have been incorporated into **Attachments A, B and C** largely as provided and without the need for interpretation. However, the EU and New Zealand generally provided more overarching comments in email/letter format which the Secretariat has tried to propose revisions to address. For reference, the comments provided by the EU and New Zealand are provided as **Attachments D and E** respectively.

3. Consideration of Compliance Risks

This paper considers two items with respect to compliance risks:

- Proposed revisions to the list of currently agreed compliance risks (refer to section 3.1), and
- The Secretariat’s report back on what has been done to mitigate or better quantify the current list of compliance risks (refer to section 3.2 – Table 1).

3.1 Proposed Revisions to Compliance Risks

As part of the intersessional process, the Secretariat circulated a document containing a proposed revised list of compliance risks.

Summary of Comments Received

- Australia and Japan proposed specific revisions to the risks document;
- Taiwan did not have any objections to or propose any further updates to the revised list of compliance risks, including the proposed new risk;
- The EU provided general comments including that, “*these compliance risks do not allude to the magnitude of the non-compliance cases*” (**Attachment D**);
- New Zealand provided various comments including that, “*The absence of hierarchy in the risks identified results in those risks having little influence on the subsequent 5 year Compliance Action Plan (CAP). Instead, the actions in the plan are largely opportunistic and lack an overall strategic objective. From this review, it has become apparent to New Zealand that our current approach lacks rigor and that systemic changes are necessary to meet this Commission’s shared objectives as they relate to minimising the risk of non-compliance. The underlying issues with the CAP should, however, be looked at when conditions allow. This work would align well with item 8.2 of the Compliance Plan Strategy*” (**Attachment E**).

Attachment A is a proposed revised list of compliance risks prepared after taking into account both the Secretariat’s proposed revisions as well as the intersessional group’s comments and revisions. Members are invited to review the revised list of compliance risks provided in this attachment.

3.2 The Secretariat’s Update on Progress to Mitigate or Better Quantify Risks

As a standing agenda item, the Secretariat is required to report back on what has been done to mitigate or better quantify the current list of compliance risks. This information is summarised in Table 1 below and is an update of a similar table that was provided in 2019 (paper CCSBT–CC/1910/11).

As mentioned in section 2 of this paper, a draft of Table 1 was circulated to intersessional group members in August 2020. Only one minor comment was received (regarding bullet 1 of existing risk number 5) and that bullet point was updated accordingly.

Table 1

Existing Compliance Risk	Progress on Mitigating or Better Quantifying the Risk
1. Non-compliance or incomplete implementation of the CDS	<ul style="list-style-type: none"> • The Secretariat provides a summary of compliance in its annual Compliance with Measures paper (CCSBT-CC15/2010/04). These analyses include an in-depth analysis of Members’ compliance with the CDS as well as other requirements. The paper includes a section which highlights areas where there is persistent non-compliance.
2. Members not fully implementing the agreed Conservation and Management Measures of the CCSBT	<ul style="list-style-type: none"> • The Secretariat has prepared its annual summaries of: <ul style="list-style-type: none"> ○ the implementation of and compliance with CCSBT measures (paper CCSBT-CC15/2010/04 – refer to risk 1 above); ○ Members’ implementation of Ecologically Related Species measures and performance with respect to ERS (CCSBT-CC15/2010/05); and ○ operation of CCSBT’s measures (<i>e.g.</i> CCSBT-CC15/2010/09).

	<ul style="list-style-type: none"> • During 2019, Australia, with input from Members and the Secretariat, prepared a paper for CC14 on the potential development of a more formalised CCSBT Compliance Monitoring Scheme (CMS) for the CCSBT. During 2020 Australia convened an intersessional correspondence group to further consider the development of appropriate compliance assessment tools and processes, including the use of Quality Assurance Reviews (QARs). Australia will report back to CC15 on the progress of this group. • In 2020, in consultation with Members, the Secretariat prepared a proposed draft, “<i>Guideline on principles for action and steps to be taken in relation to extraordinary circumstances</i>”, to help guide Members on actions and steps to be taken if extraordinary circumstances prevail, <i>i.e.</i> when rare and unpredictable events or problems prevent the normal operation of the CCSBT’s measures.
<p>3. Incomplete reporting of SBT mortalities and not fully attributing all SBT mortalities (such as recreational catch, artisanal catches, discards, farm sector catches, non-farm commercial sector catches) against national allocations</p>	<ul style="list-style-type: none"> • All reported SBT mortalities (actual or estimated) have been counted against national allocations from the 2018 fishing season onwards. • Members are reporting on actions they are taking to estimate all SBT mortalities. • Results of a National Recreational Fishing Survey for SBT in Australia (2018/19), undertaken by the University of Tasmania for Australia, were published during 2020. • The long-standing issues relating to the farm and market anomalies were discussed with input from Farm and Market Experts at the 2019 Extended Scientific Committee (ESC 24) meeting and a number of recommendations were agreed/accepted including that: <ul style="list-style-type: none"> a. Australia committed to providing an update to CCSBT 27 of its activity in relation to stereo video including a “roadmap” to its implementation of stereo video, and b. Japan committed to submitting a paper to the ESC and CCSBT 27, which will include a proposal to compare Japanese market data with catch data from all Members to identify any anomalies or discrepancies. • In August 2020 Japan convened a small informal virtual workshop to discuss its market monitoring proposal.
<p>4. Risks associated with transhipments (both in port and at-sea), including difficulties in tracking product, preventing unauthorised introduction of product and the limitations of transhipment observers detecting infringements (including identification of SBT) when</p>	<ul style="list-style-type: none"> • In 2019, Trygg Mat Tracking (TMT) was contracted by the FAO (under the Common Oceans ABNJ Tuna project) to undertake some analyses of Automatic Identification System (AIS) information to improve the CCSBT’s understanding of the risk of IUU SBT fishing activities occurring in SBT fishing grounds, including identifying events which may indicate that transhipments are occurring between non-CCSBT-authorized fishing vessels and authorized fishing vessels or carrier vessels (whether CCSBT-authorized or not) within SBT fishing areas. The results of these analyses were reported to CC14. • Also in 2019, the Pew Charitable Trusts submitted a paper which included analyses by Global Fishing Watch (GFW) – GFW used commercially available AIS data and machine learning technology to analyse movement patterns of carrier vessels operating in CCSBT Statistical Areas (1-10, 14, 15) during calendar year 2017 and compared these data with publicly available CCSBT information on reporting of at-sea transfers of SBT to gain a better understanding of carrier vessel

product is transhipped at-sea	activity occurring in these areas, including potentially highlighting vessels that could be involved in unreported or unauthorised catches and at-sea transfers of SBT. A new analysis of 2018 data has been provided by Pew/GFW in 2020.
5. SBT being landed as other (non SBT) species	<ul style="list-style-type: none"> • The Secretariat maintained its relationships with a number of relevant agencies concerned with international fisheries compliance including colleagues from other RFMOs and observer organisations, particularly with respect to the operation of the transhipment observer programme. This programme is important for monitoring transhipment arrangements including that SBT is not transhipped as other species (refer to paper CCSBT-CC15/2010/13). • The Secretariat has sought updates from CSIRO regarding the feasibility and practicality of genetic testing kits.
6. Catches of SBT by Non-Cooperating Non-Members (NCNMs)	<ul style="list-style-type: none"> • As above (refer to compliance risk #5) including correspondence with Namibia. • In 2020, OMMP 11 reviewed an updated analysis of SBT catch by non-cooperating non-Members. • The Cape Town Procedure adopted by the Extended Commission in 2019 incorporates plausible IUU catches. Consequently, providing that unreported catch is no more than the amounts considered plausible, the MP-derived TAC can be implemented as calculated, without setting aside part of the TAC to account for IUU catch.
7. Expansion of markets for SBT that are not cooperating with the provisions of the CCSBT's CDS	<ul style="list-style-type: none"> • The Secretariat is now using COMTRADE to check trade statistics (it previously used the Global Trade Atlas database). Between 2012 to 2019 inclusive, the Secretariat provided an annual summary of trade data available for the preceding three calendar years. • The Secretariat continues to contact some Members and non-Members to seek further information on trade data and/or advising about the requirements of CCSBT's CDS (e.g. Canada, Lebanon, Mauritius, Namibia and the USA)
8. Incomplete or inaccurate reporting of non-SBT bycatches, including seabirds	<ul style="list-style-type: none"> • In 2018 additional mitigation measure checks and reporting requirements were included within Annex B (inspection reporting form) of The Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port, however little new information has been collected to date from this inclusion. • In 2019, ERSWG 13 recommended improving the spatial and temporal resolution of data captured in the ERSWG Data Exchange template and also agreed in-principle support of a joint BirdLife/CCSBT Secretariat proposal, "to enhance the implementation of ERS measures through outreach/education and to verify compliance with measures", that was requested by CC 13. During 2020 the intersessional seabird correspondence group, under the leadership of BirdLife International, has continued to further develop this project proposal for CC15's consideration.

<p>9. Limited ability of some RFMOs to share relevant compliance information with each other due to confidentiality constraints and/or lack of relevant data exchange/ cooperation agreements</p>	<ul style="list-style-type: none"> • The adopted Transshipment Letter of Understanding between the CCSBT and the IOTC⁵ should facilitate improved sharing of all transshipment observer programme information between the two RFMOs.
<p>10. Limited information regarding fleet compliance with respect to binding and recommendatory ERS measures</p>	<ul style="list-style-type: none"> • CCSBT adopted the Resolution to Align CCSBT’s Ecologically Related Species measures with those of other tuna RFMOs in October 2018. It includes a requirement for the Secretariat to annually present a report to the CC on Members’ implementation of ERS measures which commenced in 2019. This year’s report will be presented in paper CCSBT-CC15/2010/05) and will improve overall transparency of implementation in this area. • In 2019, ERSWG 13 recommended improving the information on usage of seabird mitigation measures and the spatial and temporal resolution of data captured in the ERSWG Data Exchange template.

4. Consideration of CAP Project and Maintenance Action Items

In 2019, the Secretariat presented some preliminary ideas about items to include within a new 2021 – 2025 CAP to CC14 (paper CCSBT–CC/1910/11), however no recommendations resulted.

In order to commence intersessional consultations with Members during 2020, the Secretariat again identified a number of proposed action items that could be included within the next CAP for 2021 – 2025. The structure/ action items in tables 1 and 2 of the current 2018-20 CAP were used as a base, especially for the maintenance action items, which tend to change very little from year to year. In addition, proposed action items were drawn from ideas already discussed or previously presented to CC14 (paper CCSBT–CC/1910/11), and/or items included within the summary of possible future actions that Australia provided to the Compliance Assessment Process intersessional correspondence group in May 2020.

These Secretariat-proposed action items were sent to intersessional group participants for comment during May 2020. The Secretariat then collated the feedback received from the group’s participants into **Attachments B** (Table 1 - Project action items) and **C** (Table 2 - Maintenance action items).

The following summaries explain the various colour-coding and revisions found within **Attachments B** and **C**.

⁵ The Indian Ocean Tuna Commission

Attachment B: Elements provided to intersessional group participants for comment

- **Green** text (not tracked)
Items carried over from the previous CAP without revision or with minor editorial revisions;
- **Red** text (not tracked)
Items listed in the CC14 report (paragraph 86) that were discussed and identified as potential project action item areas to include within the new CAP;
- **Blue** text (not tracked)
This text was taken from the summary of possible future actions provided by Australia to the Compliance Assessment Process intersessional correspondence group (email dated 5 May 2020).
- **Black** text
Any other items added by the Secretariat for participants' consideration.

Attachment C: Elements provided to intersessional group participants for comment

- **Black** text
Text from the existing 2018 – 2020 CAP which was used as a base for the maintenance action items.
- **Red** text (not tracked)
Revisions previously proposed to the maintenance action items in paper CCSBT–CC/1910/11 (CC14) – no recommendation was made on these by CC14 and so these items are re-included for CC15's consideration.
- **Blue** text (not tracked)
This text was taken from the summary of possible future actions provided by Australia to the Compliance Assessment Process intersessional correspondence group (email dated 5 May 2020), except for the proposed revision to action item number 20 which was suggested by the Secretariat.

Attachments B & C: Tracked revisions proposed by intersessional group participants

- All of the tracked revisions reflect revisions or suggestions provided by intersessional group participants:
 - a) Revisions linked to comments labelled, "MemberRev":
These are generally specific text revisions that were proposed by various Members. The comment boxes note which Member proposed the revisions and any other relevant information, and
 - b) Revisions linked to comments labelled, "Add Prop":
These revisions were added by the Secretariat to take into account more general comments made by various Members.

Note that the EU commented that:

".... we believe that the Minimum Performance Requirements (MPRs) could be revised".

Maintenance action item 16b already provides for maintenance and enhancement of the existing MPRs and so the Secretariat did not propose any additional revisions to address this comment.

5. Recommendations

CC15 is invited to consider:

- The progress made on mitigating or better quantifying existing compliance risks summarised by the Secretariat in Table 1; and

To consider and revise as appropriate:

- The list of compliance risks (**Attachment A**) to include within the 2021 - 2025 CAP;
- The project action items (**Attachment B**) to include within the 2021 - 2025 CAP;
- The maintenance action items (**Attachment C**) to include within the 2021 - 2025 CAP.

Prepared by the Secretariat

List of Compliance Risks: Extracted from page 1 of the Current Compliance Action Plan
(including proposed revisions and annotations)

Explanatory Notes

There are two sets of proposed revisions

1. Revisions that are not tracked but which are shown as yellow-highlighted text:
These are revisions to the list of compliance risks that were proposed by the Secretariat and circulated to intersessional group participants in May 2020. They have been accepted in the document below and are highlighted (in yellow). These proposed revisions included one additional risk (appears as risk 9) added by the Secretariat which recognises risks associated with extraordinary circumstances;
2. Tracked revisions (in 2 different colours) associated with comments:
 - a. ***Specific revisions proposed by Members during the intersessional consultation process***
These are revisions linked to comments labelled “MemberRev”. These revisions were proposed by Australia and Japan and are tracked in one colour. The comment boxes note which of these two Members proposed the revisions and any other relevant information.
 - b. ***Revisions that have been added by the Secretariat to try to take into account Members’ suggestions received during the intersessional consultation process in cases where the Member did not propose specific text revisions***
These revisions are linked to comments labelled, “Add Prop” and take into account the more generalised comments made by the EU and to a larger extent New Zealand.

Proposed Revisions to Compliance Risks

In October 2010 the Extended Commission (EC) agreed that the Compliance Plan should place special emphasis on managing specific compliance risks identified by the Compliance Committee on the basis of a risk assessment.

Previous meetings of the Compliance Committee have identified and reviewed the list of agreed compliance risks that should be considered when developing successive Compliance Action Plans (CAPs). When assessing compliance risks, lack of or insufficient information may prevent the relative impact of different risks from being well understood. Examples of such information constraints could include:

- Limited availability of information regarding fleet compliance with binding measures, and
- The limited ability of some RFMOs to share relevant compliance information with each other due to confidentiality constraints and/or lack of relevant data exchange/ cooperation agreements.

The currently agreed list of compliance risks are listed below has not been prioritised and is therefore provided below in no particular order. However, as a general principle, risks that are assessed as more likely to have a greater adverse impact on SBT stock status and/or associated species and ecosystems, should be considered higher priority risks in no particular order:

- 1) Non-compliance or incomplete implementation of the CDS;
~~Members not fully implementing the agreed Conservation and Management Measures of the CCSBT;~~
- 2) Incomplete reporting of SBT mortalities and not fully attributing all SBT mortalities (such as recreational catch, artisanal catches, discards, ~~and discard mortality estimates,~~ farm sector catches, non-farm commercial sector catches) against national allocations;
- 3) Risks associated with transshipments (both in port and at-sea), including difficulties in tracking product, preventing unauthorised introduction of product and the limitations of transshipment observers detecting infringements (including identification of SBT) when product is transhipped at-sea;

Commented [Add Prop1]: (Secretariat moved text in response to NZ comments)

These 2 items were previously labelled risk #s 9 and 10 have been moved (with editorial changes) to the introductory paragraphs as examples of potential constraints.

Commented [Add Prop2]: (Secretariat revisions in response to EU and NZ comments)

This new sentence tries to take into account the points about risk assessment (NZ)/ magnitude of non-compliance (EU)

Commented [Add Prop3]: (Secretariat deletion in response to NZ comments)

This risk (previously numbered as risk 2) has been deleted at NZ's suggestion due to its generic nature (NZ's second option was that the risk could be refined by the group)

Commented [MemberRev4]: (AU proposed revision)

4) Dependence of some CCSBT measures upon the successful administration and implementation of similar measures in other RFMOs, e.g. CCSBT's Transshipment and VMS Resolutions - compliance can only be determined by adequate information exchange between CCSBT and the other RFMOs involved;

Commented [Add Prop5]: (Secretariat addition in response to NZ comments)
 NZ noted CCSBT's reliance on other RFMOs for some obligations could be a new 'stand-alone' risk.

5) Misreporting, including SBT being landed as other (non SBT) species;

Commented [MemberRev6]: (AU proposed revision)

6) Catches of SBT by Non-Cooperating Non-Members (NCNMs);

7) Expansion of markets for SBT that are not cooperating with the provisions of the CCSBT's CDS;

8) Incomplete or inaccurate reporting of non-SBT bycatches, including seabirds; and

Limited ability of some RFMOs to share relevant compliance information with each other due to confidentiality constraints and/or lack of relevant data exchange/ cooperation agreements; and

Limited information regarding fleet compliance with respect to binding and recommendatory ERS measures; and

Commented [Add Prop7]: (Secretariat moved text in response to NZ comments)
 These 2 items were previously labelled risk #s 9 and 10 have been moved to the introductory paragraphs as examples of potential constraints.

9) Operational difficulties caused by ~~Ex~~ extraordinary/exceptional circumstances such as the COVID-19 pandemic may ~~that~~ cause operational difficulties with ~~may~~ adversely affect the implementation of and adherence to CCSBT conservation and management measures.

Commented [MemberRev8]: (JP proposed revision including minor editorial amendments made by the Secretariat)
 The Secretariat added in the text "may adversely affect" and re-ordered the text to reflect comments from Japan.

Commented [Add Prop9]: (Secretariat revisions in response to NZ comments)
 "Exceptional" amended to "extraordinary", and the specific reference to COVID-19 was deleted.

Table 1: CAP Project Action Items

Goal 8 – Monitoring, control, and surveillance										
Integrated, targeted and cost-effective monitoring, control and surveillance measures are in place to ensure the Commission's goals are met.										
Compliance Plan Strategy No.	Item Number	Priority Actions	Responsibility	2021	2022	2023	2024	2025		
8.2 Develop and implement MCS strategy	1	To help focus the work of the Compliance Committee (CC):	Members	On-going						
		<ul style="list-style-type: none"> Identify CCSBT's high-priority Conservation and Management Measures for which compliance is essential, and Review areas of greatest compliance risk in order to facilitate a consistent and coordinated approach to compliance/MCS planning. 								
8.3 Strengthen compliance (MCS systems and services)	2a	CDS Resolution/electronic CDS (eCDS): a) Examine the prototype eCDS based on the 2014 (revised in 2019) CDS Resolution.	Members/Secretariat							
	2b	b) Determine whether to proceed with the eCDS, <u>while addressing unresolved issues in the 2014 (revised in 2019) CDS Resolution</u> , and if <u>proceeding</u> , specify the timeframe for finalising development, testing and implementation.	Members/Secretariat							
	2c	c) Finalisation of development, testing and Implementation of eCDS.	Members/Secretariat		?	?	?	?		
	3a	VMS Resolution: The CCSBT considered some options to strengthen its VMS arrangements and is waiting for the outcomes of the IOTC and its VMS Working Group's work before further considering any changes to its own VMS arrangements. Next steps are: a) Monitor and report back on the IOTC's (e.g. the VMS Working Group's) progress on considering options to strengthen the IOTC's VMS; and	Members/Secretariat							

Commented [MemberRev1]: (JP) Deletion proposed by Japan with the comment:
"As Japan stated in its comments to questionnaire from Australia, prioritization of CMMs is not necessary."

Commented [MemberRev2]: (JP) Addition proposed by Japan with the comment:
"Added based on para 43 of CCSBT 26 Report."

Table 1: CAP Project Action Items *continued*

Goal 8 – Monitoring, control, and surveillance (continued)								
Integrated, targeted and cost-effective monitoring, control and surveillance measures are in place to ensure the Commission’s goals are met.								
Compliance Plan Strategy No.	Item Number	Priority Actions	Responsibility	2021	2022	2023	2024	2025
8.3 Strengthen compliance (MCS systems and services)	3b	b) If the IOTC strengthens its VMS arrangements, then review and potentially revise CCSBT’s own VMS arrangements/ Resolution(s) to strengthen them to align them with any changes in the IOTC’s VMS arrangements.	Members/ Secretariat					
	4	Follow up on any agreed farm and market recommendations as appropriate e.g. Australia’s plan on its efforts to implement Stereo Video, Japan’s proposal on market monitoring for catch verification of all Members, both of which are to be presented to CCSBT27.	Members/ Secretariat					
	5	The next Performance Review of the CCSBT is scheduled for 2021. Consider and review any compliance recommendations made by the 2021 CCSBT Performance Review (PR) Panel and: <ul style="list-style-type: none"> Advise on which compliance related PR recommendations should be adopted by the CCSBT and once adopted, include these in the CC’s next annual Workplan and/or the CAP as appropriate, and Clearly record, with reasons, those compliance-related PR recommendations that have not been recommended for adoption. 	Members/ Secretariat					
	6	To assist with the detection of potential IUU activity, use AIS and other data to help detect focusing on vessels that are not authorised to relevant RFMOs, not transmitting on VMS, not complying with transshipment requirements and/or not subject to any known management and reporting processes.” ¹	Members/ Secretariat					

Commented [MemberRev3]: (JP) Addition proposed by Japan with the comment:
“Added based on para 85 and 86 of CCSBT26 Report.”

Commented [Add Prop4]: Revision proposed by the Secretariat to address the comment made by Taiwan that:
“We prefer to quoting the 86, 1) of CC14 report.”

¹ Refer to paragraph 86, dotpoint 1 of the CC14 report

Goal 8 – Monitoring, control, and surveillance (continued)								
Integrated, targeted and cost-effective monitoring, control and surveillance measures are in place to ensure the Commission’s goals are met.								
Compliance Plan Strategy No.	Item Number	Priority Actions	Responsibility	2021	2022	2023	2024	2025
8.3 Strengthen compliance (MCS systems and services)	7	Electronic observation technologies: Consider <u>and setting</u> standards for the use of electronic observation technologies for the future, e.g. to use as a backup technology in exceptional circumstances where measures such as the scientific or transshipment observer programs cannot be undertaken by humans, and/or for more routine use e.g. as part of <u>to partially or wholly replace or supplement</u> the regular Scientific Observer Program. <u>Relevant e-monitoring discussions and decisions made in other RFMOs (e.g. WCPFC) should be taken into account to ensure that consistent standards are developed between RFMOs.</u>	Members/ Secretariat					
	8a	a) Continue to <u>consider options to effectively monitor seabird mitigation measures, including during inspections in port (Members) and as part of the transshipment observation program</u>	Members/ Secretariat					
	8b	b) Identify and action opportunities to enhance education on and implementation of Ecologically Related Species (ERS) measures for seabirds and for other ERS.	Members/ Secretariat					
8.5 Sharing compliance data	9	Review the operation of the Compliance Policy Guideline 4 - MCS Information Collection and Sharing. This policy is required to be reviewed by 2024 at the latest, unless the Commission directs it be reviewed earlier. CC14 considered it important to review the operation of the new sharing process after being triggered to ensure that it is working efficiently.	Members/ Secretariat					

Commented [MemberRev5]: (JP) Revisions proposed by Japan with the comment:
“Because EM is not an observer”

Commented [MemberRev6]: (TW) Taiwan proposed suspending this item:
“Since our electronic observation technology is still in the immature stage, it cannot work as a backup technology to us. We recommend suspending this Item.”
The Secretariat has modified the timeframe to indicate that work on this item could be postponed until at least 2024 (it was previously proposed to commence in 2022) which might address Taiwan’s comments.
The Secretariat has retained Japan’s proposed revised text in the interim so that CC15 can consider this item in light of the proposed revisions.

Commented [Add Prop7]: Timeframe revision proposed by the Secretariat (amended from 2021-2022 to 2023-2025) to try to address Taiwan’s proposal to postpone this item.
Taiwan’s comment was:
“Since the Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port was revised in 2018 to change the format of reporting seabird mitigation measures inspection, we believe that it is appropriate to spend some time in confirming how the resolution works after the revision. Therefore there is no need to discuss this item until then. In addition, what the ROP observers should focus at sea is transshipment rather than the implementation of seabird mitigation measures. We suggest postponing this item.”

Commented [MemberRev8]: (TW) Deletion proposed by Taiwan with the comment:
“Since the BL project is still under an intersessional discussion and its funding and future path have not been determined yet, it’s inappropriate to include this item in a 5-year CAP at the moment.”

Goal 8 – Monitoring, control, and surveillance (continued) Integrated, targeted and cost-effective monitoring, control and surveillance measures are in place to ensure the Commission’s goals are met.								
Compliance Plan Strategy No.	Item Number	Priority Actions	Responsibility	2021	2022	2023	2024	2025
8.7 Research & development	10	Regular report-backs on Research and Development on new technologies & tools to aid observers, certifiers, and validators to identify SBT (in particular once processed) to be provided by Members, in particular developments in the effectiveness and availability of practical on-site genetic testing kits for tuna species identification	Members/ Secretariat					
8.7 Research & development	11a	a) Investigate methods to improve estimation of catches by Non-Members and ways to minimise Non-Member catch	Members					
	11b	b) If appropriate methods are identified in a) above, then: <ul style="list-style-type: none"> • produce improved estimates of Non-member catch, and/or • develop a policy guideline on ways to minimise Non-member catch. 	Members/ Secretariat					

Commented [MemberRev9]: (TW) Taiwan commented that:
 “As we have not developed new technologies and tools to identify SBT, it is difficult for us to regularly report-backs on Research and Development on new technologies and tools.”

Commented [MemberRev10]: Deletion proposed by Japan and NZ:
 (JP) Deletion proposed by JP with the comment that:
 “This is matter of the Commission; beyond the Compliance Committee’s capacity.”

(NZ) Deletion proposed by NZ with the comment:
 “Under 11a, minimising Non-Member catch is not within the mandate of CCSBT and potentially not in keeping with certain international law principles. Rather, our focus should be on creating incentives for Non-Members to support our existing systems (e.g. through better reporting and cooperation with the CDS). The CCSBT Convention has articles that balance the need to encourage cooperation and membership (Article 13) and to discourage activities that are deemed to be to the detriment of our shared objectives (Article 15) but the CAP appears to only focus on the latter.”

Commented [MemberRev11]: (JP, NZ) Deletion proposed by Japan and NZ with the same comments as for action item 11a.

Table 1: CAP Project Action Items *continued*

Goal 9— Members' obligations								
All Members comply with rules of CCSBT.								
Compliance Plan Strategy No.	Item Number	Priority Actions	Responsibility	2021	2022	2023	2024	2025
9.1 Auditing Members' systems and processes	12a	a) Review the outcomes of the first round of Quality Assurance Reviews (QARs): <ul style="list-style-type: none"> with respect to compliance risks, both for individual Members, and for particular obligations, the utility value of the information obtained and any remedial actions taken by Members, and decide whether to continue the QAR program. 	Members/ Secretariat					
	12b	b) If agreed to continue the QAR program, develop and agree a plan for future QARs, including revised terms of reference, which could involve a series of predefined QARs or running QARs on an ad hoc basis to address specific compliance issues for either all or selected Members.	Members/ Secretariat					
	12c	c) If agreed to continue the QAR program, review and revise the QAR terms of reference as appropriate, including defining a concise format for the presentation of future QAR executive summary information.	Members/ Secretariat					
9.2 Corrective action and remedies	13	Review CPG3, the Corrective Actions Policy which is to be reviewed every five years (due in 2023) unless requested earlier.	Members/ Secretariat					

Commented [MemberRev12]: (AU) Revision proposed by Australia

Commented [Add Prop13]: Addition proposed by the Secretariat to try to address a point raised by the EU.

Table 1: CAP Project Action Items *continued*

Goal 10: Supporting developing countries						
Developing country Members and Cooperating Non-Members are able to comply with the Commission's management measures and other requirements.						
Compliance Plan Strategy No.	Item Number	Priority Actions	Responsibility	2021	2022	2023
10.1 Compliance Assistance	14	Targeted analysis of capacity building needs and <u>identify any necessary</u> Compliance "missions" to assist developing State Members. Direction may be provided by the QAR process.	Members/ Secretariat			

Commented [MemberRev14]: (AU) Addition proposed by Australia

Table 2: CAP Annual Ongoing Maintenance Action Items

Goal 8 – Monitoring, control, and surveillance			
Integrated, targeted and cost-effective monitoring, control and surveillance measures are in place to ensure the Commission's goals are met.			
Compliance Plan Strategy No.	Item Number	Priority Actions	Responsibility
8.1 Implementing agreed MCS measures	15	Continue to implement adopted Resolutions and Decisions	Members/ Secretariat
	16a	Maintain and enhance: a) the agreed list of conservation and management measures	Members/ Secretariat
	16b	b) the already developed Minimum Performance Requirements (MPRs), in particular the Routine Reporting Measures as existing Resolutions are revised, as well as developing new MPRs for any newly adopted Resolutions (e.g. the Resolution on large scale driftnet fishing)	Members/ Secretariat
	16c	c) the associated consolidated national report template for the Annual Report to the Compliance Committee and the Extended Commission in which Members report their performance against the obligations and agreed MPRs	Members/ Secretariat
	16d	d) provide recommendations to the ESC and ERSWG for changes to their reporting templates as new compliance requirements emerge	Members/ Secretariat
	17	Performance reporting system in place (the Secretariat's Compliance with Measures and Operation of CCSBT Measures reports and/or any agreed Compliance Monitoring Scheme)	Secretariat
8.3 Strengthen compliance (MCS systems and services)	18	Maintain and strengthen relationships with other Regional Fisheries Management Organisations (RFMOs) and international networks (such as the International Monitoring, Control and Surveillance Network and the Tuna Compliance Network)	Secretariat

Commented [MemberRev1]: (TW) Deletion proposed by Taiwan with the comment that:

“Since ESC and ERSWG evaluate fishery resources and bycatch of ecological related species from the scientific perspective to provide recommendations to CC or EC for review, it may not be suitable to change the ESC and ERSWG report format for compliance purpose. We hope the Secretariat can delete item 16d.”

Table 2: CAP Annual Ongoing Maintenance Action Items *continued*

Goal 8 – Monitoring, control, and surveillance (continued)			
Integrated, targeted and cost-effective monitoring, control and surveillance measures are in place to ensure the Commission’s goals are met.			
Compliance Plan Strategy No.	Item Number	Priority Actions	Responsibility
8.4 Monitoring expansion of SBT markets	19	Regular monitoring for emerging SBT markets, including reviews and trend analysis of SBT trade/market data.	Members/ Secretariat
8.5 Sharing compliance data	20	Encourage sharing of information in accordance with the CCSBT’s MCS Information Collection and Sharing Policy (Compliance Policy Guideline 4). For example, share catch and effort data, and any other available information/ intelligence that will assist with the identification of IUU fishing	Members/ Secretariat - as required
8.6 Secretariat MCS Services	21a	Analyse MCS data and report on trends (annually), as well as assessing the effectiveness of MCS measures based on the data submitted. These analyses should include an annual summary of any non-compliance detected with respect to the collection and provision of non-SBT bycatch information. The Secretariat should identify and record areas of persistent non-compliance by individual Members in its annual report to the CC.	Members/ Secretariat
	21b	Formally record any cases of Member non-compliance that require improvement or corrective action - there is a standing agenda item on the Compliance Committee agenda for identifying such non-compliance: <ul style="list-style-type: none"> Record causes of non-compliance and actions proposed by Members to address non-compliance, including identifying timeframes within which corrective actions are to be completed; and Review Members’ progress against proposed actions and timeframes to ensure that progress is monitored and corrective action completed. 	Members/ Secretariat
	22	Ensure all transshipment observers are trained in CCSBT obligations (in the event that SBT is involved), including any cross-endorsed WCPFC ROP transshipment observers	Secretariat

Commented [MemberRev2]: (JP) Deletion of item 21b proposed by Japan with the comment that: “This is inconsistent with Japan’s comments “As substance of follow-up action has been already covered by discussion on application of the Corrective Actions and the workplan section of the CC report, Japan does not find necessity to establish an additional new process specialized for follow-up action” which Japan separately submitted to Australia.”

This item has been left in the plan for CC15 to discuss since Australia has suggested a revision to this item.

Commented [MemberRev3]: (AU) Addition proposed by Australia.

Table 2: CAP Annual Ongoing Maintenance Action Items *continued*

Goal 9— Members' obligations			
All Members comply with rules of CCSBT.			
Compliance Plan Strategy No.	Item Number	Priority Actions	Responsibility
9.2 Corrective action and remedies	23	Update CCSBT's public website with details of any instances of non-compliance with a Member's/CNM's allocation of the global SBT TAC, and any other non-trivial instances of non-compliance with CCSBT obligations where corrective action has been specified ¹ , and the corrective action(s) that was/were taken by the Member/ CNM concerned	Secretariat

Commented [Add Prop4]: (Sec) Additional footnote proposed by the Secretariat for clarification.

The explanatory footnote comes directly from CCSBT's CPG3 Corrective Actions Policy: section 5, number 5, dotpoint 2, and has been added for clarification based on some initial comments made by Australia and Japan.

Goal 10: Supporting developing countries			
Developing country Members and Cooperating Non-Members are able to comply with the Commission's management measures and other requirements.			
CCSBT Strategic Plan Strategy No.	Item Number	Priority Actions	Responsibility
10.1 Compliance Assistance	24	Ongoing identification and sharing of best practice and information for MCS systems	Members/ Secretariat

¹ The text, "other non-trivial instances of non-compliance with CCSBT obligations where corrective action has been specified", is from CCSBT's CPG3 Corrective Actions Policy: section 5, number 5, dotpoint 2.

Table 2: CAP Annual Ongoing Maintenance Action Items *continued*

Goal 11: Participation in the CCSBT			
Encourage the cooperation of port and market States with CCSBT's objectives and management arrangements.			
Compliance Plan Strategy No.	Item Number	Priority Actions	Responsibility
11.1 Inclusive cooperation	25	Identify (using trade and market analyses), as well as any other information supplied by Members or non-members , e.g. evidence of IUU SBT fishing), non-member port and market States whose cooperation should be sought	Members/ Secretariat
	26	As appropriate, nominate such States to the Commission	Members/ Secretariat

Commented [MemberRev5]: (AU) Addition proposed by Australia.

Comments on the CAP from the EU

Thank you for this consultation and for the revised documents concerning the new CAP. We have the following comments and suggestions on the Attachment A, B and C:

- Attachment A: the list of compliance risks is OK for us. However, these compliance risks do not allude to the magnitude of the non-compliance cases. In fact, I believe that the extend of any unconformity and its possible impact in the sustainability of the stock and ecosystems should be take into account. It is completely different when non-compliance leads to major errors or to a significant impact in the stock and ecosystems - for instance, in accounted mortalities or market misreporting - than when these problems are marginal and have no impact.
- Attachment B: we are also OK with the amendments proposed. Nevertheless, it could be interesting to explore the possibility to include also a strategy leading to a re-arrangement of any piece of legislation (CMM) whenever it look necessary to pragmatically match a CMM to the reality of the fisheries (obviously I am mainly referring to the EU fleets). With regard to the QAR we also believe that it is opportune to develop and agree a plan for future QARs review and revise the QAR terms of reference as appropriate to each Member.
- Attachment C: We are also OK with new proposed text. Moreover, we believe that the Minimum Performance Requirements (MPRs) could be revised. In fact, the MPR is a good and exhaustive guiding document but sometimes looks a bidding reference more stringent than CMMs and not necessarily reflecting the reality and conditions of all fisheries and fleets. This is maybe something that could be developed alongside with the need to take in to account specificities of each Member.

A final comment relates to the need that new CMM, particularly concerning future/new MCS systems. I could be important to take into account the legislation in force and lessons learned in other tRFMO or even promote common working groups with these organisations. The cases related to electronic monitoring and reporting, VMS, AIS and electronic CDS could be adopted and implemented in parallel with other organisations (ICCAT, IOTC and WCPFC).

Comments on the CAP from New Zealand

Thank you for your efforts in coordinating this working group. New Zealand places a high degree of importance on ensuring that CCSBT systems are robust and limit the potential for non-compliant activity to undermine the sacrifices made to date by all members. In reviewing the current documents, New Zealand is mindful of the guidance provided in the introductory section of the List of Compliance Risks, which states that “special emphasis be placed on managing specific compliance risks identified by the Compliance Committee on the basis of a risk assessment”. New Zealand strongly supports an approach that is based on a risk assessment but struggles to reconcile that approach with the current exercise where compliance risks are listed “in no particular order”.

New Zealand believes that the lack of focus or underlying risk assessment in the current approach severely undermines the value of this review. This Commission, like other RFMOs, is constrained by the limited resources that it can apply to mitigate risks and the lack of prioritisation here increases the likelihood of our limited resources being misallocated. The absence of hierarchy in the risks identified results in those risks having little influence on the subsequent 5 year Compliance Action Plan (CAP). Instead, the actions in the plan are largely opportunistic and lack an overall strategic objective.

From this review, it has become apparent to New Zealand that our current approach lacks rigor and that systemic changes are necessary to meet this Commission’s shared objectives as they relate to minimising the risk of non-compliance. However, New Zealand appreciates that the circumstances dictated to us because of the global pandemic will make it difficult for members to engage in such a fundamental shift and accepts that a more simplistic review may be more appropriate in the current year. The underlying issues with the CAP should, however, be looked at when conditions allow. This work would align well with item 8.2 of the Compliance Plan Strategy, which currently has no defined timing.

In terms of comments on individual items, New Zealand would like to suggest the following changes to the List of Compliance Risks:

- The second risk is incredibly broad to the point where it does not aid in the development of the CAP. Suggest this could be deleted or will need to be refined by the group.
- Risk 9 and 10 are constraints rather than a risks in themselves. Constraints such as these limit our ability to assess the level of risk and/or develop effective mitigation strategies. Under a more formal review process, items such as these would provide the link between the prioritised risks and the actions identified in the CAP.
- The term “exceptional circumstances” has existing connotations within CCSBT that don’t necessarily align to the circumstances described here. Suggest using another term and removing reference to COVID-19 to future-proof the statement.
- The CCSBT’s recent experience with COVID-19 has highlighted the reliance on other RFMOs for certain obligations (i.e. observer services) and that is potentially worth listing as a standalone risk.

Here is an additional suggested edit for the CAP:

- Under 11a, minimising Non-Member catch is not within the mandate of CCSBT and potentially not in keeping with certain international law principles. Rather, our focus should be on creating incentives for Non-Members to support our existing systems (e.g. through better reporting and cooperation with the CDS). The CCSBT Convention has articles that balance the need to encourage cooperation and membership (Article 13) and to discourage activities that are deemed to be to the detriment of our shared objectives (Article 15) but the CAP appears to only focus on the latter.

Thank you again for your work to date